

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 17th September 1947.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. SRI R. B. RAMA-KRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Constitution of village food committees.

* 16 Q.—SRI B. BHIMA RAO (on behalf of Sri D. Manjaya Hegde) : Will the Hon. the Minister for Food be pleased to state—

(a) whether, in constituting the village food committees, the Tahsildars have been given any special instructions by the Government as to the selection of the members of the committees;

(b) if so, what they are;

(c) whether members related to each other, such as landlord and tenant, master and servant, father and son, etc., are allowed to be the members of the village committees; and

(d) whether there is any proposal to reconstitute such committees in the light of experience gained so far?

THE HON. DR. T. S. S. RAJAN :—“(a) Yes.

“(b) They are :

(1) The Tahsildar should convene a meeting of the villagers and in consultation with them should select really representatives and influential men without regard to their political affiliations.

(2) He should consult the resident legislators of the taluk in which the villages are situated.

(3) In case of a difference of opinion between the legislators and the Tahsildar, he should take the sense of the village and select representatives.

(4) He should exclude all vested interests.

“(c) There is no prohibition as such. But the Tahsildars have been instructed to keep out all vested interests.

“(d) The matter is under consideration.”

SRI P. R. K. SARMA :—“May I know, Sir, what the Government exactly mean by ‘vested interests’?”

THE HON. DR. T. S. S. RAJAN :—“The Government mean that vested interests are interests in which there is some interest by people concerned in it.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“May I know whether there are any people who are not interested in the administration of food in any manner or other?”

[17th September 1947]

THE HON. DR. T. S. S. RAJAN :—“ Sir, there are those who take food and those who vend food. Those who vend food are more interested than those who take it.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Is it not a fact that when there is a conflict between the legislators and the villagers concerned, preference is always given to the opinion of the legislators with the result that political affiliation plays a great part in the constitution of these village committees? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not see that any conflict between the villagers and the legislators can arise in a committee. The choice is left to the Tahsildar who acts under instructions from the Government and it is always open to the aggrieved party to represent the facts to the Government if there is any injustice.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ May I know whether it is not a fact that even after the villagers have expressed their opinion in regard to the selection of all the candidates legislators have intervened and their opinion had prevailed. There are even cases in which legislators had intervened even after the committees had been constituted and the Presidents of Committees had been elected? ”

MR. PRESIDENT :—“ The hon. Member probably wants a general answer to the question.”

THE HON. DR. T. S. S. RAJAN :—“ Yes, Sir.”

SRI R. SURYANARAYANA RAO :—“ Sir, were there occasions when Government had to intervene and restore a person who is not popular with the local representatives in the villages? ”

THE HON. DR. T. S. S. RAJAN :—“ It is again a general question to answer.”

The Tungabhadra Project.

* 17 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(a) the extent of wet area that was expected to be irrigated by the Tungabhadra project when it was first taken up or inaugurated ;

(b) why that area has been reduced now ;

(c) the area (wet and dry) that will be irrigated in His Exalted Highness the Nizam's Dominions under the project ;

(d) the quantity of electrical energy that will be developed for utilization in the said area ;

(e) why the high-level canal is given up ;

(f) (i) what is the quantity of water impounded in the Tungabhadra Reservoir ;

(ii) how much is utilized for irrigation in Bellary and Kurnool districts ;

17th September 1947]

(iii) how much is utilized by His Exalted Highness the Nizam's Government;

(iv) how much is allowed to pass on into the Kistna river; and

(g) whether manual or mechanical labour is necessary for lifting up of water from the channels for purposes of wet or dry irrigation?

THE HON. SRI M. BAKTHAVATSALAM :—“(a) The extent of cultivation that was expected to be irrigated under the Scheme as first investigated in 1905 was 600,000 acres wet and 220,000 of dry irrigated crops. The extent under the present Scheme is 15,000 acres wet in addition to 15,000 acres garden crops and 264,219 acres of dry irrigated crops.

“(b) The present Scheme is only a partial Scheme based on the quantity of water now available for sharing between the Madras and Hyderabad Governments according to the Agreement between the two Governments;

“(c) & (d) Information is not available and has been asked for from the Hyderabad Government;

“(e) No final decision has yet been reached in regard to the High Level Canal;

“(f) (i) The total quantity of water impounded for irrigation is 130 t.m.c.ft. according to the Agreement of 1944 with the Hyderabad Government;

(ii) & (iii) 65 t.m.c.ft. by each Government;

(iv) This has to be determined by the Board of Chief Engineers in due course;

“(g) The Special Chief Engineer has reported that no manual or mechanical labour is required for lifting of water from the channels as irrigation of wet and dry crops in the Project area will be by gravitation flow only.”

SRI R. SURYANARAYANA RAO :—“May I know what the reason is for the delay in arriving at a decision in regard to the High Level Canal?”

THE HON. SRI M. BAKTHAVATSALAM :—“We must know the quantity of water available and that we have not yet been able to assess.”

SRI R. SURYANARAYANA RAO :—“Sir, the Hon. Minister referred to some agreement with the Hyderabad Government in respect of sharing of waters. May I know whether the share that comes to the Madras Government will not enable them also to undertake the High Level Canal?”

THE HON. SRI M. BAKTHAVATSALAM :—“That does not enable us to decide on the High Level Canal, Sir.”

[17th September 1947]

Pension to peons.

* 18 Q.—SRI R. SURYANARAYANA RAO : With reference to answer to question No. 104 answered on 11th March 1947 and the answer to the supplementary question on the same, will the Hon. the Minister for Finance be pleased to state whether the concession of pension equal to half the average emoluments of the peons which has come into effect from 1st January 1946 will be extended to those who retired prior to 1st January 1946?

THE HON. SRI B. GOPALA REDDI :—“ The Government consider that the orders sanctioning the concession of pension based on half the average emoluments in the case of peons cannot be given with retrospective effect from any date prior to 1st January 1946.”

SRI R. SURYANARAYANA RAO :—“ May I request the Hon. Minister to reconsider his decision as the number of persons who will be affected will be small and the demands on the Treasury will be only negligible as most of them are old persons? ”

THE HON. SRI B. GOPALA REDDI :—“ Even as it is, it is going to cost five lakhs to Government and so there is no point for reconsideration.”

SRI R. SURYANARAYANA RAO :—“ May I know why this class of Government servants alone should be penalised simply because they retired before 1st January 1946? ”

THE HON. SRI B. GOPALA REDDI :—“ Orders were passed in April 1946 and though usually orders take effect from the date of issue of such orders, in this case they were given effect to from 1st January 1946.”

SRI R. SURYANARAYANA RAO :—“ Cannot the Hon. Minister extend it still further so as to make the order applicable to all those who retired before 1st January 1946? ”

THE HON. SRI B. GOPALA REDDI :—“ It is not usual to give retrospective effect to these orders.”

Scheme for the construction of houses for Government employees.

* 19 Q.—SRI P. VIRABHADRASWAMI : Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether there is any scheme under consideration of the Government to construct houses for the Government employees;

(b) if the answer to (a) is in the affirmative, in what stage the scheme is; and

(c) if the answer to (a) is in the negative whether the Government propose to devise a scheme for the purpose?

THE HON. MR. DANIEL THOMAS :—“ (a) The answer is in the affirmative.

“ (b) There is a proposal for construction of 164 houses for the Government servants at Todhunternagar. The proposals

17th September 1947]

are being considered for introduction during the financial year 1948-49. There is also another proposal for the construction of 350 houses for Government servants on the site to the south of the west end of Sterling Road, Nungambakkam. Plans and estimates have been called for from the Chief Engineer (General, Buildings and Defence) in respect of this proposal. Apart from these, a house construction society has been started in the City for the construction of houses for middle class people. Government servants also can become members of this society. As regards the mufassal, it is proposed to start co-operative societies wherever there is shortage of housing accommodation. As a matter of fact, some societies have already been started. The Government have directed the constitution of committees in each municipality and in major panchayat areas where there is shortage of housing accommodation to select sites for the formation of co-operative societies. A Provincial Committee has also been constituted to examine and suggest suitable measures to solve the housing problem.

“(c) The question does not arise.”

SRI S. B. ADITYAN :—“ May I know, Sir, what category of Government servants are entitled to houses which are under construction?”

THE HON. MR. DANIEL THOMAS :—“ I think it depends on the number of houses available after construction.”

SRI P. R. K. SARMA :—“ May I know, Sir, whether there is a scheme under consideration of the Government for providing accommodation to industrial workers?”

THE HON. MR. DANIEL THOMAS :—“ We are awaiting with interest the report of the Housing Committee which we hope will deal with this aspect of the problem.”

SRI P. R. K. SARMA :—“ May I know whether there is a scheme for building houses for the employees of the Government Press and whether the proposals have since been delayed?”

THE HON. MR. DANIEL THOMAS :—“ The larger includes the less.”

Industrial plants for the manufacture of acids.

* 20 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) whether there are any industrial plants in the Province manufacturing different acids;

(b) what are the needs of the acids for industrial purposes;

(c) whether there are plants in the Province for the preparation of (1) acetic, (2) chloro-sulphuric, (3) chromic, (4) hydrochloric, (5) oxalic and (6) sulphuric acids; and if so, what the capacity of those plants is;

[17th September 1947]

(d) whether it is a fact that Messrs. Parry and Company are arranging to put up a plant for the manufacture of acetic acid;

(e) whether the Government have promised financial assistance to Messrs. Parry and Company and, if so, what the terms are on which such assistance has been offered;

(f) whether it is a fact that acetic acid can be manufactured from the fermentation of molasses to alcohol and by further oxidation to acetic acid; and

(g) whether any of the sugar factories in the Province have set up plants to convert molasses into alcohol and acetic acid and, if so, what the quantity produced in each factory is?

THE HON. SRI H. SITARAMA REDDI :—“(a) Yes, Sir.

“(b) (i) Inorganic acids : Sulphuric acid is the starting point in the production of heavy chemicals. The other acids are used for the manufacture of their derivatives. Hydrochloric acid is used in textiles, galvanizing, etc. Nitric acid is used in the manufacture of explosives and fertilizers and in refining gold;

(ii) Organic acids are used not only for manufacturing salts and derivatives which have vast industrial uses, but also in dyeing, rubber manufacture and in medicine;

“(c) (1) The Cordite Factory, Aruvankadu.

(2) & (3) No information.

(4) (A) East India Distilleries, Ranipet.

(B) Mettur Chemical and Industrial Corporation.

(5) No information.

(6) East India Distilleries, Ranipet.

The capacity in these cases is not known.

“(d) No information.

“(e) No.

“(f) Yes.

“(g) There is no information regarding the production of acetic acid in the sugar factories in this Province. The East India Distilleries and Sugar Factory at Nellikuppam is the only important distillery in this Province manufacturing rectified spirit at present.

The capacity of the factory is not known.”

The average capital expenditure incurred on each student in secondary and in primary schools.

* 21 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) the average estimated capital expenditure incurred on each student in secondary and in primary schools, taking into account the purchase price of the site; and the cost of building and equipment;

17th September 1947]

(b) what proportion in each is met by Government grant; and

(c) whether the whole or a portion of the Government grant is met out of current revenues or loans?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) This cannot be estimated with reference to any particular point of time and as the Honourable Member has not specified any period of time with reference to which the costs and averages are to be worked out, it is not possible to answer this clause of the question.

“(b) Generally grants for school buildings are limited to one half of the expenditure. In the case of sheds erected for providing accommodation to schools, in areas, where the scheme of compulsory elementary education has been introduced, the Government have agreed to make a full grant to cover the expenditure subject to a maximum of Rs. 1,000 per shed.

“(c) The expenditure on grants is generally met from the current revenues of the Province.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, 3-15
whether the Government at any time considered the question of P.M.
financing expenditure on the sites, building, etc., out of loan funds? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ Yes, Sir, already there is a provision under which if the non-recurring expenditure exceeds Rs. 5 lakhs, it may be allotted out of loans. Normally, that provision is not utilized.”

Opening of a high school at Chipurupalli, Vizagapatam district.

* 22 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) whether he has received representations from the people of the Chipurupalli taluk, Vizagapatam district, to open a high school at Chipurupalli;

(b) whether it is a fact that there is no high school in the whole taluk;

(c) whether the Government have received information from the District Collector, Vizagapatam, that the High School Committee has already deposited Rs. 5,000 towards opening of a school; and

(d) when the Government propose to open a high school at Chipurupalli?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) Yes.

“(b) Yes.

“(c) No.

[17th September 1947]

“(d) There is no proposal before Government. The Special Officer, District Board, Vizagapatam, has been asked to obtain the permission of the Director of Public Instruction to convert the Board Higher Elementary School at Chipurupalli into a Middle School from 1947-48. The question of opening higher forms can be considered only after experience is gained of the working of the middle school.”

SRI R. SURYANARAYANA RAO :—“What is the policy of the Government in regard to opening of high schools in places where the need for the same is felt?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“The policy of the Government is that they would like to encourage the opening of such high schools.”

Marketing of agricultural produce.

* 23 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether there are any Agricultural Marketing Acts, Central or Provincial, that are in force in the Province now;

(b) if so, what they are and whether annual reports on the working of the Madras Commercial Crops Markets Act, 1933, are being submitted;

(c) what is the staff employed as Marketing Officers, etc., and the duties allotted to them; and

(d) whether the Government have under consideration any schemes to create better facilities for the marketing of agricultural produce?

THE HON. SRI K. MADHAVA MENON :—“(a) The Madras Commercial Crops Markets Act, 1933, is in application in this Province in the following areas :—

In respect of cotton.—The area within the limits of the Tiruppur Municipality, and a radius of five miles around it in the Coimbatore district; the area within the limits of the Adoni Municipality and a radius of five miles around it in Bellary district; and the area within the limits of Nandyal Municipality in the Kurnool district.

In respect of tobacco.—The area within the limits of Guntur district; and the area within the limits of Bezwada taluk in the Kistna district.

In respect of groundnut.—The area within the limits of South Arcot district.

The Act applies to cotton, groundnut and tobacco only. Its further extension to new areas has been stopped, pending comprehensive legislation to regulate the marketing of agricultural commodities.

“(b) Annual reports are being submitted by the six Market Committees mentioned above.

17th September 1947]

“(c) The Government have appointed one Provincial Marketing Officer and three Assistant Marketing Officers for marketing and they are attached to the Agricultural Department. The functions of the Marketing Officers are—

- (1) conduct of market surveys;
- (2) developmental work in marketing including fixation of standard grades, regulation of market, supply of market intelligence and information and submission of marketing schemes.

Each Assistant Marketing Officer is in charge of a group of commodities, namely—

- (1) cereals and oil seeds;
- (2) livestock and livestock products; and
- (3) fruits, vegetable and special crops.

The regulated market committees under the Madras Commercial Crops Market Act are in charge of elected-committees and employ their own staff from out of their funds. The marketing staff also render help and advice in regard to the working of the Commercial Crops Markets Act.

“(d) The question of undertaking legislation to regulate marketing of all agricultural produce on the lines of Central Marketing Bill is under the consideration of Government. The Government have also under consideration a five-year plan for development of co-operative marketing of agricultural produce and construction of godowns.”

SRI R. SURYANARAYANA RAO :—“ Have the Government at any time considered the question of attaching these Marketing Officers to the Co-operative Department?”

THE HON. SRI K. MADHAVA MENON :—“ I do not think it has been considered yet.”

Exclusion of pepper-vine from the list of ‘ garden ’ crops.

* 24 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) what ‘ garden ’ crops are;

(b) whether pepper-vine in South Kanara is included in the list of ‘ garden ’ crops;

(c) whether pepper-vine is not treated as a ‘ garden ’ crop in Malabar;

(d) whether the Marjoribanks Committee (1937) recommended the exclusion of pepper-vine from the list of ‘ garden ’ crops in South Kanara also; and

(e) whether the Government have given effect to this recommendation and carried out necessary alterations in the assessment registers?

[17th September 1947]

THE HON. SRI KALA VENKATA RAO :—“(a) to (c) The ‘garden’ classification of land is peculiar to the West Coast districts of Malabar and South Kanara. Any garden that contained certain specified bearing trees in a certain specified number, is classified as ‘garden’. The ‘garden’ trees and the number per acre required for classification as ‘garden’ in the two districts are as shown below :—

District.	Tree (bearing).	Number per acre.
Malabar.	Coconut	10
	Jack	..
	Areca	120
South Kanara	Coconut	10
	Jack	5 (except in the villages of the third and fourth groups where tree is not included in the list of ‘garden’ trees).
	Areca	120
	Tamarind	5
	Pepper vine	40

“(d) Yes.

“(e) No.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir whether this question will be taken up when the land revenue reform is considered?”

THE HON. SRI KALA VENKATA RAO :—“Certainly, Sir.”

Harijan hostels.

* 25 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Rural Development be pleased to state—

(a) the number of Harijan hostels in the Province maintained by (i) the Harijan Sevak Sangh and (ii) private agencies for which Government grant is given; and

(b) the amount of the grants given by the Government to these various hostels?

THE HON. SRI V. KURMAYYA :—“(a) The Labour Department of the Government is giving grants to 49 hostels run by the Harijans Sevak Sangh and 23 hostels run by other private agencies.

“(b) The amount of lumpsum grants given to the hostels maintained by the Harijan Sevak Sangh is Rs. 1,73,850 and that paid to the hostels maintained by other private agencies is Rs. 81,420.”

17th September 1947]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—NON-OFFICIAL BUSINESS.

(1) Bill.

THE MADRAS CITY POLICE AND GAMING (AMENDMENT) BILL, 1947.

* ABDUL LATIF FAROOKHI 'SAHIB BAHADUR :—“ Mr. President, Sir, I beg to move for leave to introduce a Bill that has been balloted in my name, that is called the Madras City Police and Gaming (Amendment) Bill, 1947. Sir, I feel it a privilege that for the first time after the achievement of independence to move for leave to introduce the first non-official Bill in this House.”

MR. PRESIDENT :—“ I would like to know what the attitude of the Government is with regard to this Bill.”

THE HON. DR. P. SUBBARAYAN :—“ The Government is opposing the Bill, Sir.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, it is an irony of fate that the Government who have themselves framed this Bill want to oppose this and throw it away as a forsaken child. Now, Sir, this House will remember that during the Ministry of Sri T. Prakasam a Bill was published and we were made to understand that a Bill was going to be introduced in the legislature. I was repeatedly asked by the office of the Legislature Secretariat whether in view of the fact that the Government was going to move a Bill, I would withdraw my Bill. I said, Sir, I was prepared to do so provided the Government introduced the Bill because I know, Sir, of instances where Bills were published by the Government but were not introduced in the House. Therefore, Sir, I felt a genuine apprehension and from the attitude that has been taken up now, I feel that my apprehensions have proved to be true. Sir, it may be that because of the fact, I won't say prejudice, that the previous Ministry formulated this Bill, my Hon. Friend on the other side want to oppose the Bill. (Cries of 'No,' 'No' from the Treasury Benches.)

“ I am glad that I have a negative reply. I ask the Hon. the Law Minister as to how he is justified in opposing this Bill now when he has himself on the floor of the Lower House given notice of a Bill in order that this vice may be obliterated. Now, I shall read from the agenda paper of the Legislative Assembly for 21st April 1947. It is item No. 6 :

‘ The Hon. Dr. P. Subbarayan will introduce the Madras City Police and Gaming (Amendment) Bill, 1947, and move that the Bill be referred to a Select Committee.’

“ Sir, I do not know what reasons had guided the Hon. the Law Minister and his colleagues now to say that they were opposing this Bill. I want to know why on that day Dr. Subbarayan did not move his Bill and it was shelved.

[Abdul Latif Farookhi Sahib Bahadur] [17th September 1947]

“ Now, Sir, my object in moving this Bill is this. Betting on horses has been the cause of the ruination of many a family. The Government, not only this Government, but the previous Governments also, felt that this should in some way or the other be stopped. There were bucket shops all over the country and people who were not able to go to the race course were going to the bucket shops. A Bill was brought and bucket shops were stopped. Though as a matter of fact, it is going on in some form or the other outside and every day we find police getting hold of people who are betting on horses outside, legislation was made and betting on horses outside the enclosures of the race course was penalised. Now, Sir, when this is the case, it is not understandable how a thing which is considered to be vicious and bad outside the enclosure of the race course is to be legalised by the Government and is to be taken as a good thing inside the race course. How is it that the Government have now come forward saying that what is wrong outside can be penalised but the same wrong inside the race course cannot be done so? My Bill, Sir, simply wants that betting on horses not only outside the enclosure of the race course but also inside the race course should be penalised and legislation passed to that effect. That is the only object of my Bill and my Bill wants that publication of handicaps, acceptances, the results of bettings, etc., be penalised. I say that all this should be stopped. Therefore, Sir, this Bill is only a very small one and framed for the good of the people.”

MR. PRESIDENT :—“ I do not think that the Government members say that betting on horses is good and so you need not labour on that point so much. Let your statement be brief and let us see what the Government have to say with regard to this.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I shall be as brief as possible provided you allow me an opportunity of replying to the Government after they have opposed my Bill.”

MR. PRESIDENT :—“ I can only allow you to make a statement and the Government who are opposing, to make their reply.”

2-30
p.m.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I submit that the people must know.”

MR. PRESIDENT :—“ The rule is that—

‘ If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, may, without further debate, put the question thereon ’.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I bow to your decision and I bow to the rules on the point. The matter

17th September 1947]. [Abdul Latif Farookhi Sahib Bahadur]

is so very important; the statement that I will make, though somewhat long, will certainly be brief in relation to the importance of the matter."

MR. PRESIDENT:—"All right. I will allow the Hon. Member an opportunity to reply."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"It is a very simple matter but it is a matter which concerns the life, honour, the property and well-being of the people. I say honour is involved because many people have become paupers and I know concrete instances where people have been reduced to penury; I know people who have committed suicide on account of the loss incurred by them; I know of cases where people have died from heart failure on the very race course after having lost heavily. Therefore, it is a matter which involves the honour, the life and the property of the people. This matter, I feel, is as important as prohibition and it is as vital to society as prohibition. I will go so far as to say that it is more vital because if you allow a person to drink to his utmost, he cannot drink, say wine, for not more than a hundred rupees at a time; but if you allow a person to gamble, there is no limit to his capacity and he can gamble lakhs and millions in a second. Therefore, it is the duty of the Government to put a stop to it. I do not understand how any man who has got the welfare of the people at heart can oppose such a measure. The Government may have their own reason and we have yet to know what they are and whether they are justified in opposing this measure and the public have a right to know it. In spite of all the attempts to prevent the Bill being introduced in this House, somehow or other it is a God-sent opportunity that on account of our getting independence, no sanction either of the Governor or any authority was required and we all feel thankful to you, Sir, more particularly for giving us this opportunity of introducing this measure which is so very vital and important for the welfare and well-being of this Province."

MR. PRESIDENT:—"Let us hear the Government."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"It is left to the President to allow a debate. On the former occasion, there has been a debate."

THE HON. DR. P. SUBBARAYAN:—"Mr. President, it is a very difficult position I find myself in with regard to this measure. Perhaps, hon. Gentlemen know that I have been connected with racing for many many years; but I may assure hon. Gentlemen that the gambling part of it never attracted me to the race-course. People who know me on the race-course know that I have not put a single pie on any horse at any time in spite of eleven years as steward and five years as senior steward of the Madras Race Club. I have got interest in racing merely as a sport and I can claim to know the technique of racing in many of its aspects. Since I resigned my office of steward people will

[Dr. P. Subbarayan] [17th September 1947]

be surprised to learn that the betting part of it has never attracted me to the race-course but the professional part of it did. As a professional, I had to attend the race-course to see that the racing was run on proper lines and people were pulled up when the rules of the game were not observed.

"But that apart, I may assure that my hon. Friends on this side and opposite will realize that the Government are going in for a large loss in revenue on account of the introduction of Prohibition. Revenue from racing has been about Rs. 30 lakhs last year and it is an increasing source.

"Besides, if the Government felt that many people were involved in this, on moral principles alone, they would certainly have accepted Mr. Farookhi's Bill. But I have had figures worked out. The income on the race-course has increased but the number that go into the enclosure has decreased. My hon. Friend will be surprised to learn that it only involved about 6 to 7 thousand people and now that the race-club have raised the rates for entry and the unit of betting in the second enclosure, the number is bound to be less than even those that I have given. I can understand Mr. Farookhi wanting to prevent poor people from betting. We have taken action in that direction and with regard to betting outside, we are going to make stringent provisions against it. The number visiting the enclosures are on the decrease and the temptation to the poor people are being prevented.

"I would like hon. Gentlemen opposite and behind me to understand that there is such a thing as breeding horses in this country and the strain of horses has considerably improved in this country. What has been done is to import foreign stock into this land and breed our own horses. Horses are very important from the point of view of national economy and if this breeding of horses is to be kept up to a standard, racing is absolutely necessary. That is why English thorough-bred has got such a famous name all over the world. In Australia also, they have a breed which is almost approaching English thorough-bred though they cannot take their place; in Argentina and in the United States, there is also a good breed of horses. My hon. Friends opposite, especially the Muslim members—Mr. Farookhi, I am sure, counts himself as one—will realise that the home of the horses is Arabia. But the Englishman has gone one better than the Arab and the Arab horse of to-day cannot compare with the English thorough-bred. I can assure, hon. Gentlemen, that the Indian thorough-bred is nearly approaching the English thorough-bred and if breeding is continued for some more time in this country, I am sure we shall rank as one of the best countries for breeding of horses. I would, therefore, appeal to my hon. Friends opposite first in the interests of Government finance, as it does not affect many people and secondly in the interests of horse-breeding, that we should not hurry with this measure.

"If eventually Government find that the gambling instinct increases, they will have to put a stop to it as well. Does not

17th September 1947] [Dr. P. Subbarayan]

Mr. Farookhi, who has introduced this Bill, realize that there is this form of gambling outside the race-course, gambling on prices, on stocks and shares and even on the stock market; this is in a way a method of gambling though this is all the rich men's luxury. I do not think Mr. Farookhi intends to help the rich man out of the bad habit.

"There is this problem as well and that is that this problem has to be tackled as an all-India problem. For instance, racing has been continued by the Congress Government in Bombay; the Governor of Bengal, our honoured leader, Mr. C. Rajagopalachariar, has lately given a grant for a cup on the Calcutta race course. (Mr. Abdul Latif Farookhi: Following the English model). You find, therefore, it is to be continued in Calcutta as well and what will happen if you put it down in this province by this Bill? Racing will flourish in Bangalore and horses that come to Madras will be diverted to Colombo; the Government would have lost its revenue, people would have lost a chance of seeing the king of sports and the result will still be that it will go on in other centres and we will stay where we are. I also wish to state that we are going to bring in one Bill and we shall therein provide at what time the measure will come into operation."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I am glad, Mr. President, to hear the arguments of the Hon. the Law Minister, but I am afraid that they have not been convincing; they will not be convincing to the people outside also.

"I was about to say at the very beginning that as a steward of the race course, he possesses a much larger experience than most of us. When people like me who form their opinion from experience of people like the Hon. Law Minister and say that it is a very bad thing, he must be more opposed to this betting. If the rumour is correct, I am told that he was not made the steward this time because he was fighting for the right cause, and fought for the people who were on the right. On the race course, you will excuse my saying so, it is something like a day-light robbery. The number of people who bet is large; but there are a few interested people and they are the people who have the final say and they decide whether a particular horse wins or loses. If their interests are at stake and if they are going to lose heavily on account of a particular horse being declared a winner, the red ball is put up and most of the others who thought that that particular horse won, find that the horse which they thought had won is not the horse that had actually won."

THE HON. DR. P. SUBBARAYAN :—" On a point of information, I must protest against this kind of statement because as I said I have been on the race course and I can say that the stewards apply their minds properly to questions like this and I can assure him that nothing like what he has described ever has happened."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" That is why I was saying that gentlemen like the Hon. the Law

[Abdul Latif Farookhi Sahib Bahadur] [17th September 1947]

Minister must be there to prevent such things. I really thought that it would be a better evil but those people thought that it is better to avoid such gentlemen. That is the rumour and I do not know how far it is correct.

3-45
p.m.

“ The Hon. the Law Minister stated that the revenue to the State on betting was about 30 lakhs. But I find from the information I received through a question that the figure is something in the neighbourhood of 16 lakhs. (The Hon. Sri B. Gopala Reddi : ‘ 23 lakhs and the final accounts for the previous year is 18 lakhs ’.) Even if it be 23 lakhs; for the good of the people, there will be no harm in foregoing it. As a matter of fact, this tax on betting was not provided for in the budget for last year. Government did not take account of that revenue. Therefore, you say that there can be no regret for losing that revenue. (The Hon. Sri B. Gopala Reddi : ‘ We have taken two more districts for Prohibition ’.) The Hon. the Law Minister has said what will happen if racing is stopped here. Will racing be stopped in Bangalore and other places? May I put the same question to hon. Members opposite? What will happen if Prohibition is introduced in all the districts in Madras Presidency but drinking is allowed in other parts, which they cannot prevent. If drinking is allowed in Mysore, in Hyderabad and other Native States, and Prohibition is introduced only in Madras Presidency, what will happen? Will not people drink? Are the Government going to give up Prohibition on that account? Therefore, Sir, that argument cannot hold water. With regard to the question of breeding of horses, I think that is an exploded argument. I have read many articles about breeding of horses and if you really want to have breeding of horses why should there be betting? You can encourage breeding of horses and you can encourage the people who breed horses. You can produce the best of horses, but why introduce at the same time the element of gambling on that? If you are going to breed horses only on the assumption that it can flourish on account of betting on horses, then you should allow betting in other places also. Bucket shops also should not be excluded but allowed to function.

“ Then, Sir, my Hon. Friend Dr. Subbarayan said that there was gambling on shares. I do not know whether this Government is going to allow that gamble and whether they are not going to prevent it. My information is that they are trying to see that gambling on shares is prevented by Government. But even if the Government do not try to prevent it, may I know, Sir, whether one wrong can justify another? That is a wrong that is going on. That is a vice. Because of that vice are you going to allow another vice? If you are not going to allow that vice why should you allow this vice? I believe that people who go to the share market are very rich people. But, Sir, the people who go to race course or people who bet on horses are very poor people. I cannot describe the condition of people who go to the race course. My Hon. Friend Dr. Subbarayan has said that they are going to raise the

17th September 1947] [Abdul Latif Farookhi Sahib Bahadur]

ticket money so as to prevent people from entering the race course. I know, as one who has gone to the race course once or twice, what the position is. I gave notice of this Bill, because I know that people are sitting outside the race course enclosure . . . (Dr. Tajuddin: 'Do you bet?') • I do not know, Sir, whether an answer could be given to that question or not. But I think that if I had done a particular wrong, it is not necessary that I should continue that vice again."

MR. PRESIDENT :—" You can become wiser ! "

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" It is better to reform oneself even when one is wrong. (Interruption.) Therefore, Sir, there is reformation, and I want my hon. Friends on the opposite who are very anxious to allow people to gamble and to allow people to continue this vice to reform themselves in order that they may not allow people to do it again.

" Then, Sir, they want money for Prohibition to be introduced in two more districts. I do not know whether this 30 lakhs of rupees will compensate the loss of revenue which will occur on account of introducing Prohibition in two districts. Even then I submit that they can resort to other means of getting revenue. There are a number of things which the Government want to do and which the Government can do. If they can find money for introducing Prohibition in 16 districts, I do not think it will be difficult for them to get money for introducing Prohibition in two more districts. The Government, as a matter of fact, have to introduce Prohibition in all the districts of the Province. If they are going to introduce Prohibition throughout the Province, I do not know from where they are going to get money if they depended only on this income, namely, this revenue which they could get from betting on horses. I want to tell the House one thing to which my Hon. Friend has referred. He says that this must be treated as an all-India question. My Hon. Friend does not know the opinion of a very great man to whom we all paid our homage but yesterday, namely, Mahatma Gandhi. Let me tell my Hon. Friend Dr. Subbarayan, that Mahatma Gandhi is opposed to betting on horses. I have read an article written by Mahatma Gandhi about this matter. (The Hon. Sri B. Gopala Reddi: ' On share market also ! ') Yes; I am not saying that you should continue gambling in share market. (K. T. M. Ahamad Ibrahim Sahib Bahadur: ' Hear, hear '.) If we are to follow the precepts of great men, we must act up to their teachings. If you are not following their precepts then you cannot be called their true disciples (hear, hear). In Calcutta they are going to prevent it. In Karachi, the Karachi Corporation passed a resolution asking the Government, not the Pakistan Government, mind you, but the Sind Government . . . (Interruption.) You may laugh, but it was in 1940 that the resolution was passed by the Karachi Corporation asking the Government of Sind . . . (Interruption) "

[17th September 1947]

THE HON. DR. P. SUBBARAYAN :—“ On a point of personal explanation, Sir. In spite of passing the resolution, though the League Government had been in power since 1940, the Karachi races flourish.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, this is an argument which I have always opposed. Whether the League Government does it or not”

MR. PRESIDENT :—“ I do not know whether the Hon. Minister wants the debate to flourish.” (Laughter.)

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I submit to the Hon. Law Minister and other members on the opposite side that you cannot quote instances from the League Government, because you are not the upholders of that Government. You do not appreciate that Government. Therefore, if that Government do not do anything, do you mean to say that the Congress Government also should follow their example?”

THE HON. DR. P. SUBBARAYAN :—“ I am sorry, Sir. On a point of personal explanation, I may say that there is no question of not appreciating any Government. We do not appreciate all Governments.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Because the Hon. Law Minister said that in spite of the fact that the League is in power there it has not stopped racing and betting on horses, I gave that reply. There can be no analogy between that Government and this Government. Prohibition has not been introduced in Karachi. Even before the advent of independence, in Provinces where the League was in a majority and where League Governments were functioning, there was no prohibition. You did not take this as an example from them and you did not say that because the League Governments did not introduce prohibition you also did not like to introduce prohibition. You said ‘We are the torch bearers of civilization; we want to eliminate evil. Therefore, you should not take shelter under the fact that a particular Government did not do a particular thing. I want this Government to-day to take the initiative to stop this evil of betting on horses and show to other Governments, whether they be League or Congress Governments, that a Province like Madras, which has been giving a very great lead in other matters, can give a lead in this matter also. I would ask the Hon. Law Minister and other Ministers to reconsider their decision.’

“ One thing more, Sir, and I shall finish. Why was it that the Hon. Law Minister has not answered the point. He has simply evaded it. Why was it that he gave notice of a motion, in last April, for leave to introduce in the Legislative Assembly a Bill for stopping this betting on horses, and why was it that there has been this

17th September 1947] [Abdul Latif Farookhi Sahib Bahadur]

silence on his part and on the part of his Government till this time? How is it that even after somebody introduced this Bill, they are opposing it? ”

MR. PRESIDENT :—“ You say people can become wiser ! ”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I want to know from the Hon. the Law Minister whether he has become wiser. If he has become wiser then good-bye to all wisdom. (Laughter.) I do not want to say much about this, Sir. I would appeal to hon. Members on the other side (not the Hon. Ministers) to search their hearts and find out whether they are doing any good service by following the lead that the Hon. the Law Member has given to them. I think, Sir, on a matter like this, there should not be party considerations. In a matter like this, which is based upon morality, which is based upon the lives of the people, the honour of the people and the wealth of the people, party considerations should not prevail. I do not want to give a description of these poor people. Their families are ruined. I know of poor people taking away the jewels of their wives, taking even the clothes of their wives, mortgaging them, and then losing the money in the race course, making the family suffer and starve. In matters like this members should be allowed to use their discretion and should not be fettered by any party discipline. I feel this is in the interests of the people of this Province. It is not a question of any community. There is no question of class. There is no question of rich people or poor people. It is a question touching all the people of this Province put together. Are we not to help these people in these days of famine, and in these days when money market has become so very tight, and when people cannot get food to eat? I feel, Sir, that a Government which allow these poor people to continue this vice and crime have no right to rule over a poor Province like Madras. Sir, I thank you.”

MR. PRESIDENT :—“ The question is that Mr. Abdul Latif Farookhi Sahib be given leave to introduce the Madras City Police and Gaming (Amendment Bill), 1947.”

The motion was declared lost.

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I want a poll, Sir.”

MR. PRESIDENT :—“ You challenge ? ”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Yes, Sir.”

MR. PRESIDENT :—“ You do not like a challenger.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I do 4 p.m.
challenge, Sir.”

[17th September 1947]

A poll was taken and the House divided thus :—

Ayes.

- | | |
|--|--|
| 1 K. Uppi Sahib Bahadur. | 6 Mrs. M. Hensman. |
| 2 K. T. M. Ahamed Ibrahim Sahib Bahadur. | 7 Mrs. M. N. Clubwala. |
| 3 Abdul Latif Farookhi Sahib Bahadur. | 8 Hamid Sultan Maricair Sahib Bahadur. |
| 4 Dr. Syed Tajuddin Sahib. | 9 S. K. Shaik Rowther Sahib Bahadur. |
| 5 Sri M. D. T. Kumaraswami Mudaliyar. | 10 Sri R. Suryanarayana Rao. |
| | 11 Dr. V. K. John. |

Noes.

- | | |
|--|---------------------------------|
| 1 The Hon. Sri O. P. Ramaswamy Reddiyar. | 11 Sri N. Sankara Reddi. |
| 2 The Hon. Dr. T. S. S. Rajan. | 12 „ N. Venkatachalamaji. |
| 3 The Hon. Sri K. Madhava Menon. | 13 „ M. Sudarsanam. |
| 4 Sri K. Venkataswami Nayudu. | 14 „ A. Govindacharyulu. |
| 5 „ P. Veerabhadraswami. | 15 „ C. Perumalswami Reddiyar. |
| 6 „ Bhima Rao. | 16 „ B. Veeraswami. |
| 7 „ L. Subbarama Reddi. | 17 „ N. Ranga Reddi. |
| 8 „ S. A. S. R. M. Ramanathan Chettiyar. | 18 Mr. J. L. P. Roche Victoria. |
| 9 „ M. Narayana Menon. | 19 Sri G. Venkata Reddi. |
| 10 „ M. Narayana Rao. | 20 „ P. R. K. Sarma. |
| | 21 „ A. R. L. Pathy. |
| | 22 Mr. A. S. T. F. Rodrigues. |

Neutral.

- | | |
|--|----------------------------|
| 1 Dr. Sir A. Lakshmanaswami Mudaliyar. | 3 Sri A. Gopalakrishnayya. |
| 2 Sri B. Narayanaswami Nayudu. | 4 „ D. Krishnamurthy. |

Ayes 11 ; Noes 22 ; Neutral 4.

The motion was lost.

(2) Resolutions.

(i) FORMATION OF A WELFARE DIRECTORATE OR DEPARTMENT IN CHARGE OF SOCIAL WELFARE.

* MRS. M. N. CLUBWALA :—“ Mr. President, Sir, I am greatly obliged for allowing me to move the following resolution standing in my name :—

‘ This Council recommends to the Government to form at an early date a Welfare Directorate or Department under either a woman Minister or a woman Director, to be in charge of all social welfare work in the Province. ’

My subject falls into two groups—one the directorate and secondly the appointment of a woman Minister. I am voicing the opinion of the majority of women in our Province when I say we are sorely disappointed that this Government has not appointed a woman Minister. India's struggle for freedom could never have been achieved if our womenfolk had not fought and sacrificed along with their men and if they had not influenced them and led their menfolk to leave their home and hearth to fight the battle for freedom. Many are the unsung heroines, for, in India, a woman holds a place of great honour. In our Province we have many examples of women filling positions with trust and ability. May I ask why, when we have a woman Ambassador, a Governor, a Dominion Minister, and Constituent Assembly Members, there is no woman Minister in our

17th September 1947] [Mrs. M. N. Clubwala]

Province. Surely, it is a known fact that it is greatly due to Mrs. Vijayalakshmi Pandit that India's power and position as a nation, equal to any other, has been established at the U.N.O. May I ask, what of the many paid and unpaid women workers who have helped to run the Government of our Province and I proudly say and feel that there are first-rate women public workers in this country. Why has the Government been unmindful of appointing a woman? It is certainly not encouraging to our efforts and our services—this lack of appreciation on the part of the Government. Even on the various Government Committees very few women are appointed. Perhaps some of our Hon. Ministers may have had the unfortunate experience of having women on committees who spend a long time in discussing small points, but then, believe me, Sirs, there *are* women—practical women, who will not waste your time and will not provoke your chivalry—if you would but look around you. We do earnestly request the Government to appoint at an early date a woman Minister.

“ Now coming to the second part of my Resolution, I agitated and have, for several years, felt that the work in certified schools should not come under Inspector-General of Prisons, but under a separate officer. I have been unpopular in some quarters for this, but then from practical experience I knew that it should be so and the plan which I prepared for the then Law Minister, Mr. Bhaashyam, was considered. I congratulate the Government on this separation of functions and still more so on the appointment of a separate Chief Inspector and Major Ford Thompson as Child Psychologist. The results that will be achieved by this wise step will be the first of its kind in India and an example to other countries. But I would still request the Government to call your Chief Inspector of Certified Schools by another name and bring this work under the Director of Welfare instead of the Jail Department.

“ All over the Province there are organizations, some entirely run by Government, some Government-aided or voluntary, some good and some bad and indifferent. Often there is overlapping, competition and if members have the courage to bring forward suggestions for improvement, it is not always appreciated. Then there are other institutions, run by voluntary bodies and helped by Government. These organizations founded and run by men and women in the past with much sacrifice, are in a sad way. Some, though legitimately they should receive a grant, do not receive it in full measure. Rumours are about that Government wish to take them over. The result is a feeling of uncertainty. The paid staff—most of whose salaries are inadequate, especially in the lower grade—have a feeling of insecurity. The committee cannot make improvements for they are constantly told that Government are going to take over control, and, under these conditions, to carry on the day-to-day working in one or two institutions, is no easy task. Besides the officials of these institutions have to interview or explain to several

[Mrs. M. N. Clubwala]

[17th September 1947]

officials and departmental heads the details of the working of these societies, and satisfactory results take considerable time to materialize.

"In a democracy, to obtain privileges and rights and freedom we pay for them by doing our duty and accepting our responsibilities as individuals. We have been agitating, struggling and fighting and many have died believing that the price of duty and responsibility was low in comparison with the results of freedom. In a democracy, the majority make the decision and the minority must go with them until such time as the minority becomes the majority. We are all apt to make mistakes, and social welfare is considered now, not in its true perspective. There has been so much abuse in social welfare and many are those who have done it for personal ends. But then there are others who have done it for service alone. If some are unwilling to accept responsibility, there are others available with a desire to accept responsibility to render true service.

"I was glad to learn that the Madras Cabinet had decided to introduce compulsory social service in high schools and colleges. This is an excellent move and I congratulate the Government on it. The Indian Women's Civic Corps have also submitted a detailed plan to Government for a re-organization of its aims and objects into a Department of Social Service for Women and I hear it is receiving Government's attention. But then what I am asking for is a Directorate for all social welfare—for men, women and children.

"I would urge Government to appoint firstly a Minister for public welfare. This does not require any special legislation and can be done by the separation of the secretariat staff dealing with these matters and centralizing it into a new department. Such a Minister should be conversant with the various social service organizations in the Province. There should be an investigation into the working of all organizations and a registration of the same, for, mixed up with the work of worthy institutions are several—may I say—bogus organizations. A man goes from office to office collecting a rupee here and a rupee there. Perhaps, to get rid of him, an officer donates a few rupees. Others, not in the know of the usefulness or not of such an organization, see someone else has given a donation and give a few rupees; and so the vicious circle goes on and the collector absconds. I was a victim of these collections in the early days of my work and had to waste my time in the Court giving evidence. I am indebted to Prof. Motwani for the following information. In 1937, Sir Francis Younghusband, an ex-President of the British Sociological Society and Chairman of the Indian Village Welfare Association, organized a meeting and submitted a memorandum to the Government of India. This memorandum, while emphasizing that their findings may not altogether be suitable to Indian conditions, made mention that there was scope for a similar organization in India. In 1940 Sir G. S. Bajpai took this up and appointed a committee under the chairmanship of

17th September 1947]

[Mrs. M. N. Chubwala]

Sir Maurice F. Gwyer. This committee recommended the starting of an 'All-Indian Council of Social Services with an Institute of Research and Practical Training' at the Central Government. The matter was brought up again in 1942 in the light of information gathered from Government departments on work undertaken by voluntary agencies of an all-India character. The Board felt that, in each Province, efforts should be made to co-ordinate the work of the various social service agencies and it was also decided that the Central Bureau should continue to collect from the Provincial Governments and voluntary bodies information regarding—

(1) Existing agencies for social service in their areas including universities.

(2) Scope of their activities.

(3) Their relation to one another and the means adopted to co-ordinate their work.

The usual evasiveness of officialdom reduced this idea of an 'All-Indian Council of Social Services with an Institute of Research and Practical Training' to a mere bureau for collecting information for the members at annual meetings.

In striking contrast is the 'Daily Life Security Bill' introduced by General McArthur in Japan which is considered to be the most important development in the field of social legislation in Japan. Before occupation, public welfare, as understood by the Europeans and Americans, was unknown in Japan. The Daily Life Security Bill provides for establishment of protection institutes to provide relief for unemployed, medical aid for sick, pre-natal and post-natal aid to mothers, old age pensions, etc.

Nearer home is the news in the *Hindu* of the 8th September of the forthcoming conference in Singapore which envisages the proper approach to our problems.

I cannot over-emphasize the need for an Institute or Bureau for Research and Practical Training in Social Welfare. Research in problems of social welfare and training in social work are two different things and they should be treated separately. The research branch should gather data and information and examine them for the use of the various nation-building departments. The purpose of the practical training branch will be to deal with field work, organization and administration of relief along scientific lines, with minimum of expenditure and energy and maximum benefit to the largest number of people. The need for such a bureau or institute or research is all the more greater to-day with the dawn of freedom.

Our social problems may be divided into four groups—

1. *Population mal-adjustment*.—This is a subject on which one cannot speak with authority, unless one is posted with accurate data.

[Mrs. M. N. Clubwala]

[17th September 1947]

2. *Physical and mental deficiencies.*—Medicine and public health have made great advances. Health services and their administration will be one part of the problem while the other will be regarding the care of the mentally deficient, feeble-minded, the insane, the psychopathic hospitals, parole and after-service.

3. *Economic mal-adjustment.*—This is due to the rapid change in the social and economic structure, viz., income and low standard of living, unemployment, long hours and low wages, women in industry, child labour, etc.

4. *Cultural mal-adjustment.*—This falls under four groups—

(a) Communal and minorities question.

(b) Social disorganization covering marriage laws, domestic tension, divorce, desertion, etc.

(c) Child welfare.

(d) Crime—delinquency, expensive legal processes, reformatories in place of prisons, probation, parole, after-care, reform of police, etc.

“ In these matters we have been all these years, more or less intellectually isolated from the rest of the world, but, to-day, we can learn at first hand the adjustments and the advancements made in the other countries. With the knowledge and experience, of other countries, and with conditions prevailing in our own country, this bureau can be of infinite service to our statesmen and administrators in their effort to better the lot of the masses.

“ In training workers in social welfare, we must realize that our problems and conditions are different from those of other countries. Our training course should be both cheap and short—suited to the needs of our population which is essentially agricultural and rural. I believe there is only one such institute in our country and that is the Tata School of Social Science and they admit only a limited number and so, naturally, the supply is far below the demand. The Kasturba Memorial Trust is, on the other hand, organizing short-time training camps for welfare workers and turning them out by the thousand and this is very encouraging. It is here that I welcome most sincerely the wise decision of the Government to introduce social service in the curriculum of high schools and colleges and I am sure it will help the future citizens—both boys and girls, to have an interest and not a bias for social service.

“ I know our problems are not those of other countries, but still we are backward and behind the other nations of the world in their knowledge and forms of social service. And we must work untiringly to be brought in line with other nations. Every worker—voluntary or otherwise—should attend lectures and practical demonstrations in social service. It is not asking too much if true service is our aim. We did it during the war years—voluntary workers

17th September 1947] [Mrs. M. N. Clubwala]

went and attended diversional therapy classes to help and teach patients in hospitals. Those who are making social service their profession should be given facilities to visit other countries to study and then adjust their training to suit Indian conditions. Along with the creation of this new department, Government should appoint a committee with representatives who have a practical knowledge of institutions and youth organizations and those who have a record of useful service to society and not because one is a Member of Legislature.

“ The Guild of Service (Seva Samajam), started 24 years ago, co-ordinates various social service organizations in the Province, but what is required is a Government department which would gather the experience from such organizations. I would even ask Government to pass a legislation making it compulsory that franchise holders should give at least four hours of service a week to a nation-building cause. Other countries in the East are realizing the importance of such a department and I am sure our Government will not lag behind. I hope we shall, at the next session, see a Woman Minister on the benches and this directorate will be an accomplished fact.” (Applause.)

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, I rise to second the resolution so ably moved by the hon. Lady Member. I am sure, constituted as the Ministry is, it will not be unchivalrous as to oppose this innocuous resolution containing a request, which is meant more to assist Government than to embarrass them. Sir, Mrs. Clubwala has been very clever in wording the resolution, by providing them with alternatives. If the Government are not in a mood to appoint a Woman Minister, at least, she suggests that a Woman Director and the creation of a welfare directorate may be accepted by Government. I think, Sir, after listening to the arguments advanced by Mrs. Clubwala, I am sure, Government will be convinced that the time has arrived when the creation of a welfare directorate is absolutely necessary in order to co-ordinate the various social activities in this Presidency. The sooner efforts are made for such co-ordination, the better. She has also given some instances to show how sometimes bogus social workers come up and social organizations are started and how we often become victims of such organizations. I think, Sir, the existence of a welfare directorate under a woman, if not under a Woman Minister, would be conducive to the good of this Province. I do not want to detain the House any longer as I feel Government will be glad to accept this resolution.”

* MRS. M. HENSMAN :—“ Mr. President, Sir, enough has been said by the hon. Mover in her clear arguments, and by the seconder, who, I was very glad to see, was a man (laughter) on the merits of this question and so it seems to me, this resolution cannot fail. No ordinary person—and we the people in this House are ordinary people first and Members of this House second—can fail to see that this resolution would help very greatly the workers

[Mrs. M. Hensman] [17th September 1947]

of social welfare at this time, if such a directorate were formed. Now, Sir, the argument for a Woman Minister has been put forward well, and I think it has been made so obvious to the Ministry, that they will rectify the omission when a vacancy arises.

“ And now, Sir, it is about the Woman Director I would speak. It seems to me, at this time of the day, when refugees are coming into our Province (of whom 6,000 are to be allotted to the City and 4,000 to the rest of the Province according to the papers), there will be an ever-increasing amount of welfare work to be done by welfare workers, I do not mean items like rations, children's aid and so on, which have been sponsored by Government on quarter grant, half grant and full grant bases. By welfare work, I am thinking of their family needs. I do not think you will disagree with me, when I say, that women are well fitted to deal with questions of women as well as of men. I am surprised that in our own country women Ministers have been tried out only on very difficult portfolios like Health and Education. Though it is true that they are best fitted to deal with these, I can tell you, Sir, that women can deal with any subject.

4-30
p.m.

“ Sir, the wife of one of our Ministers during the last year was the most successful head of a municipal corporation, and we honoured her in the work that she did; and now as the hon. Mover has pointed out our woman Ambassador abroad is doing very great things. I think, Sir, that social service is an exhaustive opportunity of service and the woman Director's work should not be confined only to women but all questions dealing with men and women and children should be included under this head. The hon. Mover has said that this Director of Services must be a person who is on several committees, but I would say it is more important to have someone at the head who has been in touch with the masses and who has done service in national organizations and has been trained with regard to the necessary laws and ameliorative measures for the women, who are now not able to speak for themselves. It is the illiterate woman who needs the service of this Directorate for she is most likely to be neglected and left out of the reckoning here. Now, Sir, the refugee problem is a very important social matter. I therefore put it forward that in view of all that has been said there is an increasing need for a Director of Social Services.”

THE HON. DR. T. S. S. RAJAN :—“ Sir, I am very happy to see the hon. Member Mrs. Clubwala moving this resolution. In doing so she has not been aware of the fact that this Government have already begun to move in the matter and I would like to place before this House what we have done. Unfortunately she began with a complaint that there was no lady Minister. But it is so unfortunate that there is no lady Minister in any of the Provinces to-day. True, there is a lady Minister in the Dominion Government and there is certainly a lady Ambassador in Russia (An hon. Member : ‘ And a lady Governor also ’). Yes, and a lady Governor

17th September 1947] [Dr. T. S. S. Rajan]

also. It does not look therefore, Sir, as if the Indian Public are viewing with any disfavour the idea of women taking their natural place in our public life. In Madras, particularly, we had a Minister in this Government till very recently and unfortunately she left as the Government changed. But this Government had to take responsibility under rather difficult situations. If we did not include a lady Minister it was not exactly because we had anything to say against the lady Minister or against the sex which the lady Minister represented but on account of the strenuous situation in which we were placed we could not pick and choose. It does not mean that we are against the women taking their legitimate place in our Province. Sir, I am also in sympathy with the statement made by Mrs. Hensman, a statement that the lady Director should not only control their services, but take charge of the social services both for men and women. I entirely agree with her because social services are common both for men and women and they cannot be confined only to women. I am entirely one with her in the view that she holds that the services which womanhood have rendered to the men have not been well recognized. I am sorry, Sir, but still it is there. We shall certainly see that the woman Directorate should include services to men also. Therefore it is not as if we are unaware of the great services which the women of our province have rendered in our social services, in our civic services and the various forms of activities in which women's services were appreciated and requisitioned. Therefore, it is I feel confident that women can serve well, perhaps much better than men could serve women. Perhaps we might be told that women might have a partiality for women. Even then I would like to have women to serve men also.

“That apart, having regard to the women's movement in this province and having supported the women's movement all along at my heart, I am very sympathetic with the proposal made by Mrs. Clubwala. But I shall place a few facts before this House to show what we have done, at the end of which the House will give me permission to oppose the resolution. Sir, there are proposals under examination for the reorganization of the Indian Women's Civic Corps into a Department of Social Services for Women. In regard to the origin and aims of the proposals I suppose, Sir, I won't tire the House if I read the proposals which the Government are now considering. The proposals emanated from the Women's Memorandum presented to the Ministry by Dr. Mrs. Muthulakshmi Reddi who urged the establishment of a Social Welfare Department by the Government for purposes of rescuing girls and women who have been deserted, become destitute or helpless and to give them food and shelter and secure to them employment after specialized training. For the above purpose a kind of investigation section to go into these cases of desertion, destitution, etc., of women and children in the Province was suggested and a nucleus staff of Inspectors, and Instructresses have been planned out to be engaged throughout the Province to enquire into the bona fides of these cases. A central Home of Services for women in the city for

[Dr. T. S. S. Rajan] [17th September 1947]

providing free boarding and lodging for bona fide helpless girls and women is also under consideration. As was justly pointed out by Mrs. Clubwala, a training institute attached to the Home is also acceptable to the Government. It is not only acceptable but they are prepared to carry it out. An employment Bureau is to be attached to the Home where prospective employers will register their names and the Home will endeavour to provide them with suitable persons. The whole department is proposed to be put in charge of a Women Welfare Officer and she will be assisted by non-official Committees. Dr. Mrs. Muthulakshmi Reddi having heard of the movement of the Indian Women's Civic Corps thought it fit to consult its workers and she has fallen in with the objects of the Indian Women's Civic Corps and she is agreeable to the idea that this Civic Corps should be converted into a type of Social Service as has been outlined by Mrs. Clubwala. The Indian Women's Civic Corps is an organized body whose staff of both paid and honorary workers are already working in the field and it has rendered great service particularly during the war time. Latterly now, the organization with all its branches in all the districts is being financed and supported by the Government and that organization could easily be converted into an organization of the type which Mrs. Clubwala wants. The present posts in the Indian Women's Civic Corps are first the Commandant of the Indian Women's Civic Corps which in the proposed Department of Social Service could be made into the Women Welfare Officer; the Area organizers in the present set up will be Assistant or Deputy Women Welfare Officers; the Staff Officers in the city can be converted into Inspectresses to investigate cases in the city; and the Instructresses in the mufassal will be converted into Inspectresses to investigate cases in the mufassal. The local Executive Committees of the Indian Women's Civic Corps in the mufassal can function as advisory bodies. They can give assistance and help in investigation to the Inspectresses in the mufassal. The Provincial Executive Committee of the Indian Women's Civic Corps may function as the Provincial Advisory Committee and decide cases deserving admission into the home and institution. From this you see that the staff employed in the Indian Women's Civic Corps both in the city and mufassal can be made use of and made to take upon themselves the functions contemplated in the Women's Memorandum in addition to their present functions. No separate Central office or a Head office for the administration of the department is also necessary inasmuch as the office staff now employed in the Headquarters office of the Indian Women's Civic Corps can manage the work connected with this scheme with a little expansion. So the Civic Corps organization which is at present run by Government for the social service of women in the Province can at once be transformed into a department contemplated in the women's memorandum and achieve the objects outlined therein. There will be no additional expenditure in connection with the opening of the Service Homes with attached Institutes of Education and training. Some time ago, the hon. Mr. Prakasam, the

17th September 1947] [Dr. T. S. S. Rajan]

then Prime Minister, expressed the idea that Government should take up and run an institution like the Avvai Home to give protection to destitute women and children. The Director of Public Instruction was asked to have a plan or scheme outlined for this purpose and he has outlined a plan in consultation with the Commandant of the Indian Women's Civic Corps.

"As for co-operation of sister organizations in the proposed department, I submit that the Women's Indian Association urged the Government to open a Social Welfare Department. The All-India Women's Conference decided to give voluntary service to the Indian Women's Civic Corps and wherever possible to work with a combined effort for the social uplift of the country. In these circumstances the proposed department on inauguration will no doubt receive co-operation from all interested quarters and will fill a long-felt lacuna in the public administration of this Province. It has also been decided that this department should also take up basic education in addition to a training school and continue under the Public Department. The views of the various departments concerned and the minutes recorded by the various Ministers go to show that they have supported the scheme as adumbrated. The Hon. Prime Minister has accepted the principles of these proposals and has promised help. He would like to have the Indian Women's Civic Corps in his own department as now and the intention of the Hon. Prime Minister is that the Indian Women's Civic Corps may take interest in education also.

"On consultation regarding financial implications, the Commandant furnished certain details of expenditure contemplating a full-fledged department in gradual development within a period of seven years commencing from the year 1947-48. In addition to the investigation, information and employment bureau, shows and sales depots are also contemplated. During the course of training, training in social service (something like Tata Social Service in Bombay) will be one of the subjects, basic education also being a subject taught during the course of training. This plan has to be completely achieved within a period of seven years. The Commandant estimates the total expenditure at Rs. 8,00,400. The Department of Finance have examined the financial implications of the scheme and the Chief Secretary considers this as a thoroughly useful scheme which should be supported.

"The whole Ministry is certainly in favour of it, and that is where the plan stands to-day. I have made this public with a view to acquaint the mover of the resolution with the details of the Government's scheme. The Government will certainly invite valuable opinions from such experienced social workers as the hon. Mrs. Clubwala and the hon. Mrs. Hensman who have rendered yeoman service in the field of women welfare in this Province. With such valuable help, and the public sympathy of Indian Women's Association and other social welfare organizations, we think the scheme is bound to be a success. The

4-45
p.m.

[Dr. T. S. S. Rajan] [17th September 1947]

Government are very willing to undertake and carry it out. With this assurance if the hon. Mrs. Clubwala does not withdraw her resolution, the Government would be obliged to oppose it."

(Mrs. M. N. Clubwala stood up to speak.)

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" If the mover of the resolution speaks now, it will be a reply and the debate will close. Therefore I think the other members should be given an opportunity to express their opinions. Afterwards, the mover of the resolution can be allowed to speak."

MR. PRESIDENT :—" If the hon. Member wants to withdraw her resolution, I think she can be allowed."

THE HON. DR. T. S. S. RAJAN :—" Sir, may I point out that, when the Government's opinion in the matter is known, it is open to the Hon. President to terminate the discussion and pass on to the next item or to put the resolution to vote if it is pressed."

MR. PRESIDENT :—" I do not want to terminate the discussion, but I want to know whether the hon. Member wants to withdraw her resolution."

MRS. M. N. CLUBWALA :—" I do not want to withdraw and I will reserve my explanation to the end."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, the resolution that has now been moved by the hon. lady Member Mrs. Clubwala is a very useful and harmless resolution. We on this side of the House thought that this resolution at least would be accepted by the Government. The hon. Mrs. Hensman said that a gentleman seconded the resolution. I say that it is not only one gentleman but all the gentlemen on this side will support the resolution. If it is the intention of the Government that every non-official Bill and every resolution should be opposed and that non-official opinion should not be allowed to flourish in this House, then the Government can say so. There is no necessity for piloting non-official Bills and resolutions, and we know the result of the opposition of the Government. The Government have got a majority and if they oppose everything that comes from the non-official side, then I should say that non-official work should be put a stop to. The Government can bring their own Bills and resolutions and carry on the work.

" What is the harm in the resolution? The Hon. Leader of the House has said that the Government are moving in that direction. If they are really moving in that direction, why should they not accept the resolution? If they say that they are opposing the resolution, the correct interpretation of that is that they are not moving in that direction, and that there is something in the resolution which the Government do not like."

THE HON. DR. T. S. S. RAJAN :—" I certainly object to the insinuation made by the hon. Member. I have stated clearly the

17th September 1947] [Dr. T. S. S. Rajan]

various facts in the long statement that I have made. After hearing all that, if the hon. Member still thinks that the Government have got some ulterior motive, I am very sorry that that insinuation should be made in this House."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I am sorry that I have been misunderstood by the Hon. Leader of the House. I meant no insinuation. What I meant and I still mean is this. If the Government are in favour of the object of the resolution, the Government can in plain words say that they accept the resolution. The fact that they do not accept the resolution goes to prove that there is something on account of which the Government are not prepared to accept the resolution. We on this side of the House think that a resolution of this nature is necessary. If the Government are in sympathy with the object of this resolution, according to the statement made by the Hon. Leader of the House, I implore them to say so and accept the resolution. If that is not done, we are justified in thinking that there is some reason in the Government not accepting the resolution. There may be very good reason—I do not know—and there may not be any ulterior motive. When the attitude of Government is always in opposition to the non-official members, we on this side feel that we are in a very unenviable position. I very strongly support the resolution."

DR. SYED TAJUDDIN SAHIB :—" Mr. President, Sir, from the statement of the Hon. Minister, I gathered that the Government had accepted the principles laid down in the resolution moved by the hon. Lady Member. Such being the case, I am quite at a loss to know why the Hon. Minister should not accept the resolution straightaway. We all know that welfare work is at its lowest ebb in this province as compared with the other provinces and even other countries. There is a very crying need for such work at this moment. As has been pointed out by Mrs. Hensman, we are face to face with the refugee problem, and that is all the more reason why we should expedite matters. Such being the case, I request the Hon. Minister to reconsider the stand which he has taken and accept the resolution. In any measure that the Government might bring forward, these principles might be incorporated or modified in the interests of the public at large."

* DR. V. K. JOHN :—" Mr. President, Sir, it is very well known that the Leader of the House is a very chivalrous gentleman, and he opened his speech by saying that he was very pleased that Mrs. Clubwala brought forward this resolution. But he opposed the resolution at the end and, I think, he regretted it. It looked as if the judgment is in favour of the plaintiff, but the decree is against him. As he went on narrating the facts, I thought that he was going to say that he accepted the resolution. It is only asking for an opportunity for service. Mrs. Clubwala was well-advised in not saying that she wanted a paid Minister or a paid Director. All that she wanted was opportunity for service. It is a very well known fact and it has been accepted by the Leader of the House that social service is better left to ladies. But, at the end of his

[Dr. V. K. John] [17th September 1947]

speech, the Leader of the House said that he could not accept the resolution. We attribute no motive but, as I said, the judgment is in favour of the plaintiff but the decree is against him."

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, there seems to be some misapprehension about the attitude of the Government in the matter. (An hon. Member: 'It is a pity the Government have no woman Minister on their side.') That is the very reason why Mrs. Clubwala has brought forward the resolution to-day. It was asked by Mr. Farookhi and Dr. Tajuddin: 'The speech made by the Leader of the House is in favour of the resolution. Then why don't you accept it?' I hope, Sir, it will be realized that if the Government accept the resolution now, you expect them to implement it forthwith. (An hon. Member: 'Not necessarily.') Then what is the meaning of the Government accepting the resolution? It has got to be implemented. Certain welfare work is necessary. There are proposals to appoint welfare officers. The implications of the appointment of a Woman Director and various other aspects have got to be examined, and it is only after an examination of all these things the Government can commit themselves to a statement as to whether they can implement it or not. Some people say: Accept it; it is so simple. Do you want the Government to accept it and keep quiet? From the statement of the Leader of the House, it is clear that many things are under his consideration. Do you want the Government to accept it simply for the sake of acceptance?"

MR. PRESIDENT :—" Do you suggest to the hon. Member to withdraw her resolution now and renew it at a later date?"

SRI R. SURYANARAYANA RAO :—" It is not a question of accepting on the spot. The Government have had enough time to consider."

* MRS. M. N. CLUBWALA :—" I have got one view, and the Leader of the House has got another view. I have also said in my speech that the Indian Women's Civic Corps has put up proposals, and I am its Vice-President. I was the first to tell the Hon. Finance Minister about it on another occasion. I am well aware of all that the Civic Corps has been doing. I have said that I am not asking for a Welfare Director only for women. I am asking for both men and women. I am aware of the scheme that has been put up. I have got a copy of it with me. It is very good. But I still feel that my resolution is asking for something more: a woman Minister or a Woman Director of Social Welfare for both men and women. Therefore I do feel very disappointed that the resolution is not acceptable to the Government. Don't think that I alone am urging. The women of the province ask me to put up such things. There is rather a strong feeling among us. I hope the chivalrous Government will see their way to accept the resolution."

17th September 1947]

MR. PRESIDENT :—“ That is why I have suggested that both of you come together. Either you convince them or they convince you. Do you press the resolution? ”

* MRS. M. N. CLUBWALA :—“ Yes, Sir, I press the resolution.”

THE HON. DR. T. S. S. RAJAN :—“ I think I have made matters clear. The Government are prepared to consider the whole question and give it their best consideration. Since we are already moving in the matter, I said that we would seek the co-operation of the Mover and incorporate any suggestions that might be made. It is only a question of amplification or correcting errors, if any. This can be done by the co-operation of the members here and others who would like to help the Government. I think I have made this much clear that the Government are favourable and that they are moving in a particular way. If that particular method is not satisfactory, we would seek the co-operation of other members also to put it right. That we are prepared to organize the scheme and spend the money, I have already said in my statement. I do not really see where the difficulty arises. That is why I request the hon. Mover to withdraw the resolution.”

MR. PRESIDENT :—“ The hon. Member will do well to 5 p.m. withdraw.”

* MRS. M. N. CLUBWALA :—“ I shall withdraw, Sir, but on conditions.”

The resolution was by leave withdrawn.

(ii) CONSIDERATION OF THE DRAFT INDIAN CONSTITUTION BILL
BY THE PROVINCIAL LEGISLATURE.

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Mr. President, I am grateful to you for giving me this opportunity of moving this resolution which runs as follows :—

‘ This Council recommends to the Government to convey to the Constituent Assembly that this Council is of opinion that the Provincial Legislative Assemblies and Councils should be given an opportunity to offer their views on the draft Indian Constitution Bill before it is finally passed by the Constituent Assembly, and necessary steps be taken to have the draft Bill transmitted as soon as possible for the consideration of this Provincial Legislature, fixing a date by which the opinions of the Legislature should be made available.’

“ Sir, it has been my good fortune on many occasions to move resolutions in various assemblies, not necessarily legislative, and it has been my good fortune also in this House to have spoken on more than one occasion, thanks to your indulgence and the indulgence of my colleagues, but on this occasion I am overwhelmed

[Dr. Sir A. Lakshmanaswami Mudaliyar] [17th September 1947]

with a sense of responsibility and I therefore feel a sense of diffidence which ordinarily I would not feel on such occasions. The subject is one which is enthralling in its importance and its significance is so great that no person can really take up an attitude which does not in the long run conduce to the benefit of this country and the whole nation. I do wish, Sir, that this motion had been given notice of by a Member of the other House, for I think, it would have been much more appropriate for that House to have discussed the question for the very simple reason that this Council had not had an opportunity to send any of its representatives to the Constituent Assembly and that all the representatives sent, were from the Legislative Assembly. I should also like to mention how much more gratified I would have been, if in this Council an elected member had given notice of this resolution and the stigma may not be attached to me that I am merely a nominated member. But as I said on another occasion, I do feel and I feel more strongly than ever on this occasion that I represent the common citizen much more than any elected member can do, because while an elected member represents his own constituency, I represent all those who are not on the rolls of the electorate. For that reason I feel gratified to move this resolution.

“ Sir, before I come to the subject-matter of this resolution, may I make a plain statement? I want it to be understood by every hon. Member here and those who are not here, but who may have an opportunity of hearing about this resolution that I have no intention of passing any criticism of any action that has been taken or any decisions that might have been reached and it is certainly far too great a responsibility for me to think of offering such a criticism on the Constituent Assembly and I therefore want it to be made very clear at the very beginning of my speech that my intention is not to offer any such criticism. Secondly, I am perfectly well aware of the fact that the leaders who are responsible for the Government of this great Dominion are in the midst of a great and Herculean task, the like of which it has not fortunately been the lot of any one single person to bear. Those of us who have had the opportunity of listening over the radio to the two great moving speeches made by two of the Members of the Dominion Cabinet, Messrs. Pandit Jawaharlal Nehru and Sardar Vallabhai Patel and those who have had the opportunity of hearing similar speeches made by responsible Ministers in the other Dominion, cannot but feel that on this occasion their sense of responsibility has been so great, their sense of grief has been so much and their sense of diffidence has been so immense, that it would be the last thing for me to add anything to the difficulties of the situation. At the same time, Sir, I do feel that the issues are so fundamental that they should have to be faced at some future time. What are the issues? Sir, the issues are not of immediate importance. We are not framing a constitution for to-day. We are framing a constitution for the future, in fact for the citizens yet unborn, a constitution that will stand the test of time and a constitution that will go down to posterity as a document worthy of the generation

17th September 1947] [Dr. Sir A. Lakshmanaswami Mudaliyar]

which had the great privilege of framing that constitution and when such is the case, nobody can gainsay the fact that the constitution that is to be framed should be such that it will receive the widest measure of support and for that purpose it will have the opportunity of receiving the largest measure of responsible criticism, so that finally those who are the arbiters of the future constitution may have all facts placed before them for the shaping of that constitution for this great land of ours.

“ Sir, let me give in brief, a little history of the Constituent Assembly. It was many years ago that the question was mooted that the proper method of framing a constitution for an independent country was by the assembling of a body known as a Constituent Assembly. I well remember the late lamented leaders pressing this point, of whom my esteemed friend the late Mr. Satyamurti was one, who always pressed this particular point. Sir, the Constituent Assembly procedure was the result of the discussions that took place when the Cabinet Mission visited India and the Cabinet Mission's statement of May 1946 was the first statement, envisaging the possibility and the necessity of a Constituent Assembly. Subsequently difficulties arose, which are too well known to all members for me to capitulate them at any great length. But those difficulties led to a further statement by His Majesty's Government on the 6th December 1946 defining the scope of the Constituent Assembly and the manner in which the Constituent Assembly was to work. Even that statement did not produce the effects that it had been hoped it would produce, and therefore a further statement was made by the Prime Minister on the 20th February 1947 definitely guaranteeing that by the end of June 1948 the transfer of power would be complete and that India would be an independent country. Sir, a further pronouncement was necessary when a change of Viceroy took place and Lord Louis Mountbatten, the present Governor-General of the Indian Dominion took charge and owing to further consultations among the leaders of the two major political parties, for in all these transactions, let me remind the House, none other than the two major political parties was consulted by the British Government or by those responsible for the Government of this country. I do not complain of it, Sir; they were perhaps the best persons to be consulted on the subject, but I want to make this statement clearly and emphatically that the two major political parties were the only two parties that were associated with any of these consultations from that date onwards and the responsibility for the shaping of the future of this country was shared between those two major political parties and His Majesty's Government in Great Britain. Sir, the result of that was that a statement was made by His Majesty's Government on June 3, 1947, transferring power immediately and affirming that there would be no hesitation whatsoever for the Viceroy to leave this country and actually fixing a date on 15th August. We have celebrated that day, Sir. The other day, we all had the opportunity of expressing our joy. I was glad indeed for more reasons than one that the British power had left this country. For, to-day I am in the happy

[Dr. Sir A. Lakshmanaswami Mudaliyar] [17th September 1947]

position of speaking to my own countrymen without any reserve whatsoever, without that unfortunate misunderstanding that some times creep into our public life when people differ from the major political parties and those phrases and clauses being showered by particularly one section of the nationalist press whenever some of us had the misfortune to differ from the views of a particular political party. But, Sir, I feel that to-day, after the passing of the Government of India Independence Act on the 15th August 1947, I am in a much stronger position to speak to my colleagues opposite without any fear of being misunderstood. They and all of us have got this one point in common, because in future there is no more question of a foreign power to misunderstand us, or our statements being misunderstood as helping a foreign power; we talk as brethren across the table and I therefore take this opportunity of speaking something which is uppermost in my mind in connexion with this most vital question of the future constitution of India.

“ Sir, let me at the same time state that one great thing has happened which makes it all the more obvious that constitution-making need not necessarily be the most urgent of the activities of our country at present. The passing of the Indian Independence Act of 1947 gives in section 8 of the Act, power for temporary provision as to Government of each of the new Dominion. The Constituent Assembly itself becomes the Legislature. The Dominion and all Provinces shall be governed as nearly as possible by the Government of India Act, 1935. That makes it very clear, Sir, that the position at present is that we have a very definite and settled form of Government conducted by Indians for Indians and that the question of the constitution of the future Dominion of India is not necessarily of that urgent and prime importance as it should have been were there a gap where no constitution was in being and were there no rules and regulations by which the activities of the Government could be carried on.

“ Sir, let me at this stage refer to one other point. At the time when the Constituent Assembly was formed, we were not sure what the political future of the country would be, and I think it was very right under those circumstances that the elections to the Constituent Assembly should have been conducted by the major political parties in the manner in which they were conducted. They were right at that time, because there was still a foreign power with whom they had to deal and from their point of view they felt that there must be a considerable amount of solidarity among the members of the Constituent Assembly, which they could not possibly expect otherwise, and I therefore make no grievance of the fact that the elections were held in a manner that can be said to be only on party lines. The persons that were elected by the legislatures of all the Provinces were persons that were predestined to be members of the Constituent Assembly, about whose elections, direct instructions were given by the High Commands of both political parties and to that extent therefore the Constituent Assembly was constituted—again I repeat—largely and almost exclusively by the dominant political parties in this country, the Congress and the Muslim League.

17th September 1947] [Dr. Sir A. Lakshmanaswami Mudaliyar]

“ Sir, at the first meeting of the Constituent Assembly one of the major political parties was unfortunately not present. There were divisions and differences, which it is not my purpose to refer; nor does it concern me. But inasmuch as the Constituent Assembly did meet, the members there considered the whole question from the point of view of the Constituent Assembly, and it is worthwhile noting that rules of procedure were framed by the Constituent Assembly of India at that very first meeting.

“ Sir, I wish to invite your attention and the attention of this House to rule 63 (1) framed under the rules of the Constituent Assembly. This is with regard to the consideration of draft constitution.

5-15
P.M.

“ ‘ The Assembly shall ’ so says the rule, ‘ before finally settling the union constitution, give an opportunity to the several Provinces and States through their Legislatures to formulate within such time as it may fix, their views upon the resolution of the Assembly outlining the main features of the constitution, or, if the Assembly so decides, upon the preliminary draft of the constitution.’

Section 2 of the same rule says :

‘ Before the constitution of any province is finally settled, or the decision to set up a group constitution for the section in which the province is included is finally taken, an opportunity shall be given to the province concerned, through its Legislature, to formulate, within such time as may be fixed for the purpose, its views (a) upon the resolutions outlining the main features of the constitution, or if the majority of the representatives of the province in the Assembly so desire, upon the preliminary draft of such constitution, and (b) upon the preliminary decision of the section concerned as to whether a group constitution shall be set up for the province which is included in the section, and if so, with what provincial subjects the group should deal.’

I am aware that the latter portion of that particular resolution is not operative, but the main part of the resolution is still operative. When this resolution had been passed, it was the hope of all of us that when the constitution had progressed to a certain stage, there would be an opportunity given by the Constituent Assembly for the Legislatures of the various provinces, for the Governments of the various provinces and for the masters of these Legislatures, the electorate and the public, to give expression to their views in an organized manner, so that such views may be placed before the Constituent Assembly for its final consideration. Sir, it was only because there were reports published in the papers—and they have not been contradicted—that it was not proposed to send this draft Act to the Provincial Legislatures, that I have ventured to place this resolution before this House with the humble hope that the hon. the Leaders of the Party and the Prime Minister will be in a position to place these views before the Constituent Assembly

102 CONSIDERATION OF THE DRAFT INDIAN CONSTITUTION BILL
BY THE PROVINCIAL LEGISLATURE

[Dr. Sir A. Lakshmanaswami Mudaliyar] [17th September 1947]

and ask them to seriously consider whether they should not modify their attitude to this matter. Sir, I am greatly strengthened in my demand for such a procedure by the history of the Constituent Assemblies in the world over. There have been in the past Constituent Assemblies in other countries which have met, and those Constituent Assemblies have not been dissimilar to the one that we have in this country. Sir, let me refer to Canada. Canada had a mixed population, the French and the English. Both of them fought in the proverbial Irish expression like Kilkenny Cats. But finally when they settled their differences, they suggested that a Constituent Assembly should be constituted to frame the Dominion Parliamentary Procedure of the Dominion Legislature. Let me just give you this extract:

'The Canadian constitution was in effect framed in two stages, with an interval for provincial criticism. The resolutions of the Quebec Conference, 72 in number, were passed between October 10 and October 29, 1864; they were then submitted to the several Provincial Governments with a view to their being brought before the respective Legislatures for acceptance. Certain modifications were suggested; they were found necessary and therefore the draft prepared had to be considered in two stages, one at the Quebec Conference in 1864 and then at the Westminster Palace Hotel Conference in 1866, with an interval for criticism by the Provincial Legislatures.'

Mark the interval, Sir. It was nearly two years before the final Bill was passed.

"Let me take again another of these constitutions which were framed after fierce struggle. Hon. Members are aware that in South Africa for instance, the Constituent Assembly that met had certainly a difficult task after the great struggle that had taken place between the Boers and the British. The South African constitution was passed, as was the constitution of Australia also, by a Constituent Assembly. In Australia and South Africa, the same plan was deliberately adopted from the very start. The Australian Convention first met at Adelaide on March 23, 1897. The proceedings lasted little more than a month and at the end, a Bill was drafted. The next session was held at Sydney in September 1897 and during the interval, the Bill was considered by the various State Parliaments. The last session was held at Melbourne between January and March 1898. Thus, ample time was given to several states to criticize the first draft before the final form of the Bill was settled. Similarly, in South Africa, the Convention held its first session at Durban in October 1908. The draft Bill was then submitted to the Parliaments of the four colonies for approval. But the final session was held at Bloemfontein.

"These precedents, I respectfully submit, show that the drafting of the constitution should be done in two or more stages with a definite interval for criticism in the various provinces. All that I am suggesting at present is that this procedure is a wise procedure; it has historical precedents for it, and has been known to be certainly workable in more cases than one. I am perfectly aware that our representatives in the Constituent Assembly have expressed

17th September 1947] [Dr. Sir A. Lakshmanaswami Mudaliyar]

many views with which probably the Legislatures of their provinces will agree. They have represented them in their individual capacities; but they had not the backing of the Legislature to show that that was a directive that the Legislature had asked them to convey. I know, for instance, the Hon. Leader of the other House had amendments given notice of. I know several others also gave notice of amendments; but I may say this: and I do so with no desire to question the utility of such amendments. Those that have followed the procedure of the Constituent Assembly would know that more often than not—and I shall be corrected if I am wrong—a preliminary stage had to be held before the final stage. The preliminary stage was in regard to the discussion of these various subjects at party meetings where undoubtedly decisions were taken after a very frank, very full and very deliberate discussion. But, Sir, when these decisions had been taken, I am given to understand that at the open session of the Constituent Assembly, a certain amount of party discipline prevailed and members were not as free as they might have otherwise been to express their views. Now, Sir, in certain of the Constituent Assemblies, realising this particular danger, in the rules of procedure it was laid down that all discussion must be very frank and full, that there must be no preliminary discussions in any group or section or party. Unfortunately that procedure does not seem to have been followed in the Constituent Assembly to-day.

“ Sir, I wish to refer to another point that is relevant in this connexion. A resolution of the All-India Congress Committee was passed on the 7th July 1946 and there it was stated that ‘ the kind of independence Congress had aimed at is the establishment of a united democratic Indian Federation with a central authority which would command respect from the nations of the world, maximum provincial autonomy and equal rights for all men and women in the country.’ Then, with your permission, may I go to a few of the details which have a bearing on this question, that it is vital for the Provincial Legislatures to be consulted before the constitution Bill is finally adopted?

“ But may I, before touching upon that point, dwell on another point? Considerable emphasis has been laid on this aspect of the question that the Constituent Assembly is a sovereign body; but I am sorry to say that even great constitutional pandits have not fully realized what that sovereignty meant. That sovereignty, in my humble opinion, consists of two sovereign functions; the first and the most important, that the Constituent Assembly is a sovereign body with respect to any foreign country, with respect to any foreign Government, that it shall not be dictated to by any foreign Government; secondly, that once the final decisions of that Constituent Assembly have been taken, those decisions have the weight of a sovereign body. They cannot be changed. But, in between these two, the Constituent Assembly is not a sovereign body in that it can afford to ignore or that it need not take into consideration

[Dr. Sir A. Lakshmanaswami Mudaliyar] [17th September 1947]

the opinions expressed by the Legislatures. I think it would be fundamentally wrong, it would be going against all canons of constitutional procedure if we say that it is a sovereign body, that, therefore, the discussions in the Constituent Assembly should be conducted without having placed before those bodies the very valuable opinions of the very persons who had elected members of that Constituent Assembly. Well, my hon. friends opposite could not have got their seats in the Constituent Assembly if the electorate, viz., this Provincial Legislature, had not voted for them, and they owe it to the Legislative bodies, and more than to anybody else, they owe it to the larger electorate, that a reasonable opportunity should be given to the Provincial Legislatures for discussions of the main features of the constitution. Sir, I have already pointed out that there was no question of hurrying through this constitution-making. Personally—and I express this opinion with a great deal of humility—I would plead for the postponement of the Constituent Assembly at this present juncture. Men's tempers are too badly frayed; men's stamina are too badly injured; men's equanimity is not always put in the forefront. The few discussions that have taken place in the Constituent Assembly are evidence of the fact that unfortunately very reasonably—and perhaps one can understand it—the proceedings have shown that at times, the discussions have not been as they would have been under more fortunate circumstances. Nobody is to blame. Every one in the Constituent Assembly should have felt that amount of agitation which comes out of the disastrous news that was reaching the Centre of the Government of India almost every day, every hour, not between sessions, but in between a morning and evening session as well. Left to myself, therefore—and mine is a very very small voice, it will not carry even as far as this House perhaps—constitution-making should be put on the shelf for the present and all the energies of those great leaders and administrators should be concentrated on the vital questions affecting this country—on the vital question of food, on the vital question of harmony among the communities, on the question of the maintenance of order and discipline, which unfortunately is not prevalent now, on the question of the maintenance of peace. And in this connexion, may I say—and I do not say it as a matter of complaint—but if the Hon. Ministers had been here—for the greater part of the session, they were compelled to be in the Constituent Assembly—and if they had taken in time those steps which, thanks to the energetic drive of the Hon. Prime Minister and I have no doubt the other Ministers also have taken to-day—South India would not be faced with the very difficult food situation and the Hon. Food Minister need not waste so many hours in explaining in the other House and in this House what steps have been taken and what steps still remain to be taken. I, therefore, feel that in this moment of great stress and strain, when people's tempers are frayed so badly, when there is a great deal of agitation, the most fundamental thing is peace, harmony, equanimity, good temper; and freedom from want is the

17th September 1947]

[Dr. Sir A. Lakshmanaswami Mudaliyar]

first thing. What can or will it do for you if you have the most laudable constitution in the world, if the citizens are not there to enjoy the fruits of that constitution?

“ Sir, let me next just deal with a few other points. Sir, I do not want to go into details. I am much handicapped for facts because not much information is made available to us as members of the Legislature as regards the proceedings and the details of the Constituent Assembly. I can say this much that there are certain functions that are being discussed there, functions that concern the Provinces. I am grateful to the Government for having placed before the members of this House this little pamphlet which gives the principles of a model provincial constitution as adumbrated by the Constituent Assembly. Certain very important functions are being discussed in the Constituent Assembly and we are certainly interested in the Provincial Governments that are being set up. We are most vitally interested in what sort of a Provincial Government we are going to have under the Union which is going to be established. That will certainly decide how far we will be in a position to reap the rich benefits that all of us have been dreaming, longing and hoping for all these years, at the dawn of the Independence of India.

“ Sir, let me in this connexion refer to one other aspect of the Constituent Assembly. Between December 1946 and August 1947, many eminent constitutional pandits have stressed the view that there should be a strong centre. From the resolution of the All-India Congress Committee, we see that it asked for the establishment of a United Democratic Indian Federation with a central authority which would command the respect of the world with maximum provincial autonomy. But the pendulum has swung to the other extreme to-day. I plead for a strong centre but my idea of a strong centre is certainly very different from the strong centre as adumbrated in other quarters. Let me apologize, if I am mistaken. I plead for a strong centre, its strength lying in the willing co-operation of its units, its strength lying in the loyalty that the units will give unto it, its strength lying in the generous manner in which support will be evoked by the members of that centre. I do contemplate a strong centre of this sort but I do not contemplate a strong centre with *force majeure* because that will be undoing the whole future constitution of any country. History tells us what the lessons of a strong centre are. The strongest Government in the world, I suppose that everybody will admit, is the British Government; it was dictated by a strong centre. It was a strong centre that brought on the American War of Independence and lost to that country, the United States of America. Again it was a strong centre that lost Ireland to Great Britain. It was as a result of the folly of the strong centre that great Statute called the Westminster Statute which has to-day led to a situation where the Dominions very readily, unequivocally and with no mental reservation have come unanimously to the help of Great Britain in her hour of trial and in her hour of labour. Australia,

5-30
p.m.

16 CONSIDERATION OF THE DRAFT INDIAN CONSTITUTION BILL
BY THE PROVINCIAL LEGISLATURE

[Dr. Sir A. Lakshmanaswami Mudaliyar]

[17th September 1947]

Canada, New Zealand, South Africa, every one of these Dominions came to England's rescue because there was no nonsense about the strong centre being dictated by Great Britain. If it had dictated, then different results would have followed.

Sir, here is another point that I want you to consider very seriously. We are talking of Democracy and this implies the changing fortunes of political parties. The essence of a Democracy is that the members on the Treasury Bench may one day have to leave those places and find their place in the Opposition, not merely in the Province but in the Centre. Just imagine what it will be. To-day a great leader has been giving many delectable discourses to audiences in Madras that he wants to form a different Government. At least that is what I understand from the speeches. Supposing for instance, one very important province elects to become socialist or communist, I ask whether that province would look on the Centre? Supposing the position is reversed; what will be the implications of this strong Centre? A strong Centre will be in a position to exercise its strength in order to impose on the Provinces its political ideologies and the Provincial Governments would have to be in a position to yield with grace. Where necessity arises, the Centre can impose its political ideologies on the Provinces. Suppose, we break from the Centre, then all blunders will be committed. It is true that we have been committing Himalayan blunders. We have perfected the technique of committing Himalayan blunders but the time has now come when we should take stock of the situation. So, I passionately plead for a strong Centre, the strength of which would be in the willing co-operation of all the units, in the amount of admiration that will be evoked from this House in the responsive co-operation that will be extended at all times, much more in times of stress, in times of need and in times of common danger. I am pleading for a strong Centre, the strength lying in the willingness of its children, at all times readily to give of their best and to give generously all the things that are worth giving.

Sir, looked at from that point of view, my own views are different. Judging from the distinctions in the categories of subjects that are to be dealt with under the Constitution Act, I may say that it is somewhat disappointing. We have the federal subjects; we have the Provincial subjects; we have subjects under concurrent authority. Sir, I do not want to raise important controversial issues but my point in referring to these subjects is merely to show that none of these Legislatures have been consulted in the allocation of these subjects. I, therefore, plead with the Government that they should take up this task when they are finally drafting the constitution. Sir, let me give one instance. Among the federal subjects is one called Defence Industries. The Hon. Minister for Defence and the Hon. the Finance Member should be very interested in these subjects. Defence should no doubt be a central subject. There can be no two opinions about it. Foreign Affairs, Defence and Communications are now federal subjects but

[Dr. Sir A. Lakshmanaswami Mudaliyar]
17th September 1947]

to include Defence Industries in federal subjects is altogether wrong. There will be no responsibility for the Provincial Government in this matter. It would cripple the Province and would make the Province effeminate. I feel that while Defence is a federal subject, Industries ought to continue as a provincial subject. I suppose everybody knows what those things meant in the past but after the present Great War, everything can be included under this subject Defence Industries. It may include even the requisitioning of this Legislature much more for the purpose of Defence. Sir, every industry, the mill industry, the iron and steel industry and all other adjutant industries—Education may be classed as a Defence Industry for the purpose of training technicians and our educational institutions were commandeered during war-time—all these industries go under Defence Industries as a central subject. I have no objection whatsoever to transport being a federal subject and I do admit it as their legitimate claim. But if it is a question of extending any Industry to the whole of this Province, we are entitled to ask that our self-respect should be preserved. Are we to submit meekly when the Centre says that such and such Industries should be developed in our Province? (The Hon. Sri K. Madhava Menon: We can take their advice.) By all means, we can have most of the advice. We have been on principle accepting advices and we have been grateful for the same though it is beyond the pale of our position, but to put several of the Industries beyond the jurisdiction of the Province will be courting trouble within a very short time. I am sure that it is the unanimous feeling of all the members that the Provincial Legislatures should have some voice in the working of the scheme; otherwise, it will be unworkable and it will break. So, you must be cautious in regard to these matters, matters such as development of Industries. Development under federal control is declared to be an expedient in the public interest. As one who has been trained in the British Imperialist rule, I want to know what public interest is involved there! Public interest under federal control to be utilized for the purpose of fulfilling some delectable ideas! It is a most comprehensive section that you can imagine. If the development of Industries under federal control is to be an expedient in the public interest, are the Provinces to have no voice in that public interest? Public interest of the Provinces will be the same as the public interest of the Centre.

"Sir, I now come to recent history. I do not want to raise controversial issues but there have been violent differences of opinion with regard to the location of these Industries and with regard to the methods of fostering them. To whom should the development of such Industries be given, the Province or Centre?

"Sir, then there is another subject, 'Item 65'. Mineral Development.' This subject is to be administered by the federal Government. I do not know why. There may be certain minerals, the development of which will be better if left to our own Province

[Dr. Sir A. Lakshmanaswami Mudaliyar]

[17th September 1947]

instead of to the Centre. In such cases, are we to leave the development of such minerals to the Centre? So, if you are agreed on that subject, then I say that all authoritarian forms of rule have always to be discarded and discouraged.

“ Sir, I shall not take much more of your time but there are certain vitally important things which I wish to refer. One is about the election of a new Governor to the Province. That is a new experiment we are going to have. Whether the election should be by adult suffrage, whether it should be by electoral college or whether it should be in consultation with the Legislatures or whether the Governor should continue after the Legislatures, are all questions which require much greater consideration and it will be well if the Provincial Governments are allowed to offer their own views before arriving at any final decision. I can say that many troubles are ahead. The election of Governor under adult franchise, the principle of joint electorates, again the question of the number of seats for the political party in power,— all these powers may be utilized adversely against another political party that may come within its term of office. Sir, I understand that the future Governors of the Provinces are to have more powers than Section 93 Governors. I do not know whether it is all in the right line. I would therefore plead that the Legislatures must be consulted in regard to all these matters.

“ Again, with regard to the Judiciary, in matters such as the appointment of High Court Judges, there is no reason why the Provincial Governments should not be consulted. If they are not consulted, there will be reasonable difference of opinion. Although consultation may be merely of an advisory nature, still consultation should be there. There are in this Constitution, I believe, very many such important subjects which require further consideration. Well, we have in the Constituent Assembly many eminent lawyers, many eminent Jurists, many ex-administrators. Yet, the country has a few more to spare to fill the gap which is very badly apparent if the constitution making should be of a perfect nature. Sir, it has been suggested that the constitution may be revised every five years. Let me tell you that no constitution will be worth having unless it is worked in an atmosphere of freedom. In the United States of America, they have framed a constitution which has stood the test of time. All powers and all discretions have to be by conventions. It is certainly the best constitution. You cannot plan a constitution today and revise it after five years. (An Hon. Member: Ten years.) I am sorry, I understand it is ten years. Ten years is a fair period in the life of an individual but it is a day in the life of a nation. Even if it is revised after ten years, such a planning is not worth the name. By the time we have understood to follow the Constitution, by the time we have understood the methods of working it out, by the time we have all these necessary and desirable things, the Constitution may be revised.

17th September 1947]

[Dr. Sir A. Lakshmanaswami Mudaliyar]

So a Constitution should be allowed to grow up by convention and should not be revised periodically. I feel as one who is passing the age of effective co-operation in public affairs very nearly, that our duty to the younger generation will be ill-discharged if on this great question we do not take proper and considered views on the subject. The constitution is not being made, I repeat, for to-day and to-morrow, but it is being made for the future. It is not being made for this or that province but it is made for a whole Dominion, a Dominion which in spite of its separation, is perhaps one of the largest Dominions in the world, a Dominion inhabited by three hundred millions of people, with diverse races, diverse temperaments and diverse views. I ask those who are in charge of the constitution-making in the Constituent Assembly to pause and consider, to ruminate, to discriminate and to revise their views, if necessary. As I said once before, if they will put the new constitution-making in the shelf for the time-being and go ahead with it with that greater responsibility that devolves upon them imperatively and take time, when there is a greater amount of settled life, in this country, it will be all to the good. But, in any case, I do feel that I am not uttering any word of disparagement, I am not certainly criticising or cavilling but I am sure I am responding to the opinion of a large section of the people, of those who have given any ideas, any thought, any consideration to the subject, when I plead with you and with the hon. members on the Treasury Bench that this resolution should be accepted by this House in the spirit in which it has been offered and because it is one of the most important things that we have to concentrate upon."

5-45
P.m.

* MRS. M. HENSMAN :—" Mr. President, Sir, chivalry is not dead. On this side of the House each member must be wishing to get on his feet."

MR. PRESIDENT :—" May I know whether the hon. member is seconding the resolution of Mr. Lakshmanaswami Mudaliyar? "

* MRS. M. HENSMAN :—" Yes, Sir, I am seconding the resolution. I say that each member of this House should wish to get on his feet and second his resolution, and on the other side, also, Sir. But, they sit still and allow me to have the honour and privilege of seconding such a resolution as it is now before this House. Sir, you have truly said that the hon. member who has brought forward this resolution has spoken all too seldom in this House. He has made a comprehensive survey of the subject before us now and there is no need for me to dwell on it in detail, but I would suggest that in the new constitution that is coming there might be a clause doing away with this convention of seconding and some such clause may be put in that when a resolution is brought forward to which the heart of each member responds in full, the members may just stand up and pass it unanimously without the convention that we now go through, but at this moment . . ."

[17th September 1947]

MR. PRESIDENT :—" You may start the convention now."

* MRS. M. HENSMAN :—" No, Sir, I bow to the present constitution just now in force and which it is your privilege to uphold in this House.

" Now, I would just like to stress two points in this connection. One is, that the constitution of a family, as that of a nation, grows in many ways. It does not depend only on the body or on the mind and the spirit but the constitution of a new nation, of a new Dominion, that is going to be free in the near future, should not stop short, just as soon as it is placed on the Statute Book. It has to grow and be fed with the tradition, with the convention and with the views of those upon whom and to whom it will be left to minister. Therefore, I would plead with the hon. mover that this House adopts this resolution, so reasonable and so logical as it is, so that each representative, whether elected or nominated, of the Assembly, or of any provincial legislature in this country, should have a say in the formation of the coming constitution. Sir, we who have to abide by the laws that will be made, have got to be true and stand firm. The Medes and the Persians might have made the law which should not be altered by a jot or tittle, but we have moved as civilization has progressed and would do well to own to being fallible and own that a constitution roughly made and speedily hewn would have to be revised. Times have been rather unfortunate now and if at this time of political instability the Constituent Assembly sits to form a constitution, when millions of our own population are changing homes and are leaving the places where they were born, then, Sir, that constitution cannot be said to frame or to form a background of experience for the nation.

" Finally, I would bring before you the fact that this constitution that will be our own, should remain for a space of time. A broad hint has been given and we have been told that in the future the members of the Constituent Assembly may not be members of Provincial Legislatures. If that is so, how much more important it will be that a constitution that has to be framed for this country should be brought to the Provincial Legislatures first for suggestions, additions and subtractions, if there is any chance of the members of the Constituent Assembly not reflecting the views of the people in this Province. I will sit down by asking that this House not only supports the resolution but staunchly, loyally and steadfastly stands by the principles enunciated in this resolution."

MR. PRESIDENT :—" It is a very important resolution and I learn that a number of members on both sides are anxious to speak and make their views known not only to the Assembly here but the Constituent Assembly there also. So, the idea is to continue discussion on the next non-official day also and as the Government members think they cannot afford to stop here after 6 p.m., I think we may break up now and continue the discussion on the next non-official day."

17th September 1947]

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I suppose that is before the closure of this session? "

MR. PRESIDENT :—" Yes."

SRI R. SURYANARAYANA RAO :—" Do we adjourn now or after 6 p.m.?"

MR. PRESIDENT :—" If you are going to finish by 6 p.m., I have no objection."

DR. V. K. JOHN :—" With the permission of the Leader of the House we can continue the discussion till 1 o'clock on Friday next."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I think it is better to have a full non-official day and it would not matter if it is within a week."

MR. PRESIDENT :—" The next non-official day is the 24th. I propose to adjourn the House to the 22nd. On the 22nd we have the discussion of the supplementary budget. If you want to continue the discussion on the next non-official day, you will have to wait till the 24th. Some of the members, I understand, are anxious to go away, but if they are willing to stop here on the 24th we can continue the discussion on that day."

DR. V. K. JOHN :—" We can have the discussion on the 24th."

THE HON. DR. T. S. S. RAJAN :—" Yes, we can have the discussion on the 24th."

MR. PRESIDENT :—" I suppose the Leader of the other House will assure me that we can have the whole of the 24th for ourselves? "

THE HON. DR. P. SUBBAROYAN :—" You can have a full day on the 24th but at the same time, so far as the Ministers are concerned, we may be permitted to go on with our own business in the other House because other Ministers who have no work in this House can work in the other House."

MR. PRESIDENT :—" In fact I have been asking for such co-operation from the Hon. Ministers. We do not want all the Ministers to be present here but only such of those who can afford to should be here. It is now agreed that we adjourn now and meet again at 11 a.m. on the 19th September 1947."

